

Docket No.

47980-CPA/1008

**CONTINUED PROSECUTION APPLICATION (CPA)****REQUEST TRANSMITTAL (Large Entity)**

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

☐ **DUPLICATE** (Check box if applicable)

DEC 07 1998

First Named Inventor

Examiner

Group/Art Unit

Alexander J. Ryncarz

Bradley L. Sisson

1634

**Address to:**

Assistant Commissioner for Patents

Box CPA

Washington, D.C. 20231

This is a request for filing a ☒ continuation, or ☐ divisional application under 37 CFR 1.53(d), (continued prosecution location, application (CPA)) of prior application number 08/791,240 filed on January 30, 1997 and entitled:

**POSITIVE CONTROLS IN POLYNUCLEOTIDE AMPLIFICATION**

1. ☒ Enter the unentered amendment previously filed on September 30, 1998 under 37 CFR 1.116 in the prior nonprovisional application.

2. ☒ A preliminary amendment is enclosed.

3. ☐ This application is being filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).

a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

12/14/1998 THUUYEN 00000054 040010 00791240

01 FC:131 760.00 CH  
02 FC:102 312.00 CH  
03 FC:103 684.00 CH

b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

4. ☐ A new power of attorney or authorization of agent is enclosed.

5. ☒ An Information Disclosure Statement (IDS) is enclosed:

a. ☒ PTO-1449

b. ☒ Copies of IDS Citations

6. ☒ The fee for this application is calculated as follows:

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	58	- 20 =	38	x \$18.00	\$684.00
Indep. Claims	7	- 3 =	4	x \$78.00	\$312.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$760.00
TOTAL FILING FEE					\$1,756.00

**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Large Entity)**  
**(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))**

7. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to  
Deposit Account No. 04-0010

- ☒ fees required under 37 C.F.R. 1.16.
- ☒ fees required under 37 C.F.R. 1.17.
- ☐ fees required under 37 C.F.R. 1.18.

8. ☐ A check in the amount of \_\_\_\_\_ is enclosed.

9. ☒ Also enclosed:  
Fee Transmittal  
Confirming postcard

10. ☐ The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below:

**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Large Entity)**  
**(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))**

**NOTES**

**Submit an original, and a duplicate for fee processing.**

**FILING QUALIFICATIONS:** The prior application must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 USC 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the Applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or application in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

Dated: December 7, 1998



*Signature*

**Robert L. Buchanan**

*Typed or printed name*

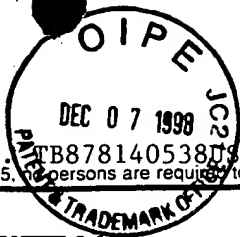
**40,927**

*Registration Number (if applicable)*

- ☐ Inventor(s)  
☐ Assignee of complete interest  
☒ Attorney or agent of record

cc:

<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b> Applicant(s): Alexander J. Ryncarz, et al.		Docket No. 47980-CPA/1008	
Serial No. 08/791,240	Filing Date January 30, 1997	Examiner Bradley L. Sisson	Group Art Unit 1634
Invention: POSITIVE CONTROLS IN POLYNUCLEOTIDE AMPLIFICATION			
<p>I hereby certify that this <u>CPA Application Transmittal</u> <i>(Identify type of correspondence)</i></p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231-0001 on <u>December 7, 1998</u> <i>(Date)</i></p> <p><u>Patricia A. Barnes</u> <i>(Typed or Printed Name of Person Mailing Correspondence)</i></p> <p><u>Patricia A. Barnes</u> <i>(Signature of Person Mailing Correspondence)</i></p> <p><u>TB878140538US</u> <i>("Express Mail" Mailing Label Number)</i></p>			
<p>Note: Each paper must have its own certificate of mailing.</p>			



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PTO/SB/17 (12-97)  
Approved for use through 9/30/00. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

## FEE TRANSMITTAL

Note: Effective October 1, 1997.  
Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)

### Complete if Known

Application Number	08/791,240
Filing Date	January 30, 1997
First Named Inventor	Alexander J. Ryncarz
Group Art Unit	1634
Examiner Name	Bradley L. Sisson
Attorney Docket Number	47980-CPA/1008

### METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number: **04-0010**  
Deposit Account Name: **Dade Behring Inc.**

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☐ Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance

2. ☐ Payment Enclosed:  
☐ Check ☐ Money Order ☐ Other

### FEE CALCULATION

#### 1. FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 790	201 395	Utility filing fee	760.00
106 330	206 165	Design filing fee	
107 540	207 270	Plant filing fee	
108 790	208 395	Reissue filing fee	
114 150	214 75	Provisional filing fee	
SUBTOTAL (1)			(\$) 760.00

#### 2. CLAIMS

Total Claims	Extra	Fee from below	Fee Paid
58	-20 =	38 X	684.00
Independent Claims	7 - 3 =	4 X	312.00
Multiple Dependent Claims		X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 22	203 11	Claims in excess of 20
102 82	202 41	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim
109 82	209 41	Reissue independent claims over original patent
110 22	210 11	Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 996.00

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet.	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 950	217 475	Extension for reply within third month	
118 1,510	218 755	Extension for reply within fourth month	
128 2,060	228 1,030	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,320	241 660	Petition to revive - unintentional	
142 1,320	242 660	Utility issue fee (or reissue)	
143 450	243 225	Design issue fee	
144 670	244 335	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Petitions related to provisional applications	
126 240	126 240	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 790	246 395	Filing a submission after final rejection (37 CFR 1.129(a))	
149 790	249 395	For each additional invention to be examined (37 CFR 1.129(b))	

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

### SUBMITTED BY

Typed or Printed Name: **Robert L. Buchanan**

Signature

Date: **12/07/98**

### Complete (if applicable)

Reg. Number: **40,927**

Deposit Account User ID

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.